HONOURABLE SRI JUSTICE P. S. NARAYANA

WRIT PETITION No.21170 OF 2006

DATE: 30-10-2006

Between:

Ch. Govindayya, S/o. Malakondaiah,
aged about 31 years, Sarpanch,
Chinaannalur Gram Panchayat,
Kaligiri Mandal, Nellore District.

.. Petitioner

AND

The Superintendent Engineer,
Panchayat Raj Circle, Nellore,
Nellore District & another

.. Respondents

ORDER:

Heard the learned counsel.

At the request of the learned counsel on record, the Writ Petition is being disposed of finally.

The Writ Petition is filed for Writ of *Mandamus* declaring the action of the respondents in not entrusting the permanent restoration works of Chinaannalur Naidu Cheruvu Tank of Chinaannalur Gram Panchayat, Kaligiri Mandal, Nellore District to the Gram Panchayat Committee pursuant to the Resolution passed by the Gram Panchayat dated 05-06-2006 even though the Gram Panchayat Committee is fully entitled to execute the works in pursuance of G.O. Ms. No.123 dated 10-10-2005 and works have to be completed before completion of monsoon season, as

illegal, arbitrary, violative of Articles 14, 19 and 21 of the Constitution of India and issue consequential directions to the respondents to entrust the said works to the said Gram Panchayat Committee forthwith and pass suitable orders.

It is stated by the learned Government Pleader for Irrigation representing the 2nd respondent that the resolutions said to have been passed by the Gram Panchayat dated
02-06-2006 are not received by the respondents and the learned Government Pleader also would submit that if the resolutions are placed before the 2nd respondent, appropriate action can be taken in pursuance thereof. The same is hereby recorded.

In view of the same, the writ petitioner is given liberty to place the appropriate resolutions referred to supra before the 2nd respondent within one week from the date of the receipt of this order and the 2nd respondent to take appropriate decision on the strength of such resolutions in accordance with law within a period of two weeks thereafter.

With the above directions, the Writ Petition is disposed of. No orders as to costs.

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P. S. NARAYANA, J

Date:30-10-2006.

NOTE:

Furnish C.C. of the order by WIRE
at party's costs.

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PV